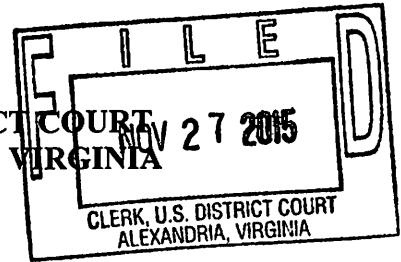


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA



CARLOS ENRIQUE MARTINEZ  
1338 East Long View Drive  
Woodbridge, Virginia 22191

and

ERICK BOANERGES CASTILLO REYES  
5513 Volta Avenue  
Bladensburg, Maryland 20710

Plaintiffs,

v.

NATIONAL HIGHWAYS, LLC  
1546 Jefferson Davis Highway  
Stafford, Virginia 22554

Serve: Resident Agent  
Mauricio Lujan  
6910 Spelman Drive  
Springfield, Virginia 22153

MAURICIO LUJAN  
6910 Spelman Drive  
Springfield, Virginia 22153

and

JUAN LUJAN  
1546 Jefferson Davis Highway  
Stafford, Virginia 22554

Defendants.

Civil Action No.

1:15CV1591 AJT/TCB

**COMPLAINT**

Plaintiffs, Carlos Enrique Martinez and Erick Boanerges Castillo Reyes ("Plaintiffs"), by and through their attorneys, Mary J. Craine Lombardo and Stein Sperling Bennett De Jong Driscoll PC, hereby file their Complaint against Defendants National Highways, LLC, Mauricio Lujan and

STEIN SPERLING BENNETT  
DE JONG DRISCOLL PC

ATTORNEYS AT LAW  
25 WEST MIDDLE LANE  
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Juan Lujan (collectively “Defendants”), under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et seq.* (“FLSA”), stating as follows:

### INTRODUCTION

Plaintiffs worked for Defendants as laborers. Plaintiffs were paid at the same weekly rate regardless of the hours worked. Plaintiffs worked hours in excess of forty hours per week and were not paid at the overtime rate of one and a half times their regular hourly wages as required by federal law. Defendants have willfully violated the clear and well-established overtime provisions of the FLSA. Plaintiffs seek compensatory and statutory damages for all unpaid overtime compensation, as well as attorneys’ fees and costs.

### JURISDICTION & VENUE

1. This Court has subject matter jurisdiction over the causes of action alleged in this Complaint pursuant to 28 U.S.C. §§ 1331 and 1367, and 29 U.S.C. § 216.
2. Venue is proper pursuant to 28 U.S.C. § 1391.

### PARTIES

3. Plaintiffs are adult residents of Virginia and Maryland.
4. Defendants National Highways, LLC is a Virginia limited liability company.
5. Defendants Mauricio Lujan and Juan Lujan (the “Individual Defendants”) are principals of the business.
6. At all times material herein, Defendants, in the aggregate and as a single enterprise, had annual gross volume of sales made or business done in an amount exceeding \$500,000.
7. Each Defendant is an “employer” within the meaning of the FLSA.
8. Defendants have at least two or more employees who are engaged in commerce, handle, sell or otherwise work on goods or materials that have moved in or were produced for

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commerce. Defendants negotiate and purchase from producers and suppliers who operate in interstate commerce and serve customers in interstate commerce.

9. At all times relevant, Defendants constituted an “enterprise” within the meaning of 29 U.S.C. § 203(r).

10. The Individual Defendants controlled the day to day operations of National Highways, LLC.

11. The Individual Defendants had the power to hire, fire, suspend, and discipline Plaintiffs.

12. The Individual Defendants supervised Plaintiffs directly or indirectly.

13. The Individual Defendants directly or indirectly set and controlled Plaintiffs’ work schedules or had the power to do so.

14. The Individual Defendants directly or indirectly set and determined the rate and method of Plaintiffs’ pay or had the power to do so.

15. Federal courts have made clear that individual employers are liable under FLSA, if the employer met the economic reality test for “control.” *Chao v. Mid-Atlantic Installation Services, Inc.*, 16 Fed Appx. 104 (2001).

16. The Individual Defendants would each be considered an employer for purposes of individual liability because of their intrinsic involvement in the business.

#### FACTS

17. Plaintiffs were employed by Defendants as laborers.

18. Plaintiffs worked for Defendants during the statutory period and were not paid time and a half for hours worked in excess of 40 hours per week.

19. Plaintiffs worked approximately 60 hours per week.

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20. Plaintiff Martinez was paid \$600-\$800 per week.

21. Plaintiff Castillo Reyes was paid \$1,000-\$1,200 per week.

22. Plaintiff Martinez is owed approximately \$13,468.87 in unpaid wages.

23. Plaintiff Castillo Reyes is approximately \$23,672.40 in unpaid wages.

24. Plaintiffs are owed overtime wages that Defendants willfully failed and refused to pay to Plaintiffs in violation of federal law.

25. By statute, Defendants are required to maintain records which document the wages, hours and other conditions of employment. *See* 29 U.S.C. §211.

26. The precise number of hours worked, and wages owed, should be revealed through discovery.

27. Defendants knowingly and intentionally violated Plaintiffs' rights under federal law.

### **COUNT I (FLSA)**

28. Plaintiffs adopt by reference paragraphs 1 through 27 above as if fully set forth herein.

29. Defendants were required to pay Plaintiffs compensation at the rate of one and a half times their regular hourly rates for all hours worked in excess of forty hours per week. *See* 29 U.S.C. § 207(a)(2).

30. Throughout the Employment Period, Defendants failed to compensate Plaintiffs at the rate of one and a half times their regular hourly rates for all hours worked in excess of forty hours per week.

31. Defendants' actions complained of herein constitute a willful violation of Section 207 of the FLSA.

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32. Defendants' violation makes them liable to Plaintiffs for all unpaid overtime compensation, and an additional equal amount as liquidated damages.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment against Defendants, jointly and severally, in their favor in an amount to be determined at trial, but not less than \$74,282.54 which is two times the total overtime compensation owed, to grant Plaintiffs their reasonable attorneys' fees and costs, and such other and further relief as the Court deems just and proper.

Respectfully submitted,

STEIN SPERLING BENNETT  
DE JONG DRISCOLL PC

By: 

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